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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**WILLIAM FRIMPONG,**

**Plaintiff,**

**- against -**

07 CV 7375 (JGK)  
ECF CASE

**1199 SEIU UNITED HEALTHCARE  
WORKERS EAST,**

**Defendant.**

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**AFFIDAVIT OF WILLIAM FRIMPONG**

STATE OF NEW YORK)

ss:

COUNTY OF BRONX)

WILLIAM FRIMPONG, being duly sworn, deposes and says:

1. I am the plaintiff in the above-captioned matter and am fully familiar with the facts and circumstances involved in this case. I am making this affidavit in objection to the Defendant's motion seeking to dismiss the Complaint and/or for summary judgment.

2. I have been a member in good standing on the Defendant 1199SEIU United Healthcare Workers East from February, 1989 up and including the present time.

3. I was employed by the Bronx-Lebanon Hospital from 1989 up and including November, 2003.

4. While I was employed on the housekeeping staff at Bronx-Lebanon Hospital, I generally received favorable evaluations from 1991 up to and including 2002, the last time evaluations of work performance were prepared.

5. In November, 2003, I was suspended from my position at Bronx-Lebanon Hospital as the result of an altercation with another employee.

6. In December, 2003, I was dismissed from my job at Bronx-Lebanon Hospital. The other employee involved in the altercation and who had less seniority on the job, was suspended for approximately two weeks and was then reinstated.

7. When I learned that the other employee had been reinstated I contacted the union organizer, Joyce M. Wright. I requested that the union organizer arrange to have me reinstated to my job.

8. Instead The union organizer told me to come and pick up a letter which informed me that I had been terminated have my job at the hospital.

9. I proceeded to go to hearings seeking reinstatement but my application was denied.

10. Thereafter I requested that the Defendant Union take the matter to arbitration but the Defendant Union declined to do so.

11. Contrary to the assertions in paragraph 7 of the Affidavit of AIDA L. MORALES, I did not have a prior infraction of a similar nature.

12. Thereafter, I repeatedly went to the Defendant Union seeking assistance

to obtain another job.

13. The Defendant Union did not afford me any assistance to find other employment. Whether I went in person or called, I was told that someone would contact me but no one ever did.. This occurred numerous times despite the fact that I paid my union dues and remained in good standing..

14. Not only did the Defendant Union not assist me in finding a new job, but they never gave me any job counseling, training or other assistance.

15. Whenever I went to the union offices or called there I was never advised about the 1199SEIU/League Job Security Fund or the League/1199SEIU Training and Upgrading Fund ("JSF" and "TUF", respectively). The first time I learned about JSF and TUF was on October 22, 2007 when I went to my lawyers' Office and was shown copies of Documents which the Defendant Union appended to its motion. In all of the years I was a member, of 1199SEIU I was never furnished documents relating to JSF or TUF. I was never advised that JSF or TUF were allegedly separate entities from 1199SEIU.

16. The Defendant's failure to provide me with proper assistance, job training is ongoing and is still continuing. The Defendant is perfectly willing to accept my union dues but curiously unwilling to afford me any of the benefits of union membership.

17. Because of the total lack of assistance from the Defendant, I was compelled to seek employment elsewhere. It was not until October, 2004, that I was able to secure a job at the Crowne Plaza Hotel in Manhattan Under

the auspices of Union Local 6.


18. Because of the Defendant Union's improper and unjustified refusal to assist me as required by the union manual, I sustained the loss of income for eleven (11) months, and was without health benefits and pension credits for the eleven month period of unemployment. Although I receive pension credits from my present union I am concerned that my ultimate pension will be significantly reduced because I have less than 20 years in the 1199SEIU system.

19. For all of the foregoing reasons, I respectfully request that the Defendant's motion seeking to dismiss this action and for summary judgment be denied because of the existence of fact issues to be resolved.

WHEREFORE, I respectfully request that the Defendant's motion be denied in all respects.

  
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WILLIAM FRIMPONG

Sworn to before me  
23<sup>rd</sup> day of October, 2007

  
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Notary Public  
Qualified at Rockland County  
2AYA09762570  
Commission Expires 9-30-2010